

# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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July 18, 2005

TO: Internal File

THRU: Dana Dean, P.E., Environmental Scientist III, Team Lead

FROM: Jerriann Ernstsens, Ph.D., Environmental Scientist, Biology

RE: Postmine Land Use Change, Canyon Fuel Company, LLC, Banning Loadout, C/007/0034, Task ID #2247

### **SUMMARY:**

The Division received an amendment to address a post-mine land use change for 0.83 acres at the Banning Loadout. The Permittee sold the 0.83 acreage, including a substation, to East Carbon. The sell agreement included that the Permittee will conduct final reclamation on the 0.83 acres, excluding the substation and pad area, at the same time as the final reclamation project for the entire permit area.

The Permittee will maintain the site during the extended responsibility period. The Division considers that the postmine land use change does not affect plans, obligations, or agreements in the biology section of the MRP. The Division, however, would like the Permittee to update the seed mixture and possibly other related reclamation plans sometime in the future.

There are no changes or additions to the biology and cultural sections of the Division's Master Technical Analysis (wg2247org) for this amendment.

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**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**PERMIT APPLICATION FORMAT AND CONTENTS**

Regulatory Reference: 30 CFR 777.11; R645-301-120.

**Analysis:**

The MRP meets R645-301-121 for the Biology Chapter and Archeology Section because the Permittee presents current, clear, and concise information. The Permittee provided most of the information necessary to relocate the confidential information, concerning cultural resources, to the Banning Confidential Binder. The Permittee will relocate Figure 4-1 "Map Showing Cultural and Historic Resources" along with the Appendices to the Confidential Binder in a separate amendment.

**Findings:**

Information provided in the plan does meet the minimum Permit Application Format and Contents in General Contents requirements of the regulations.

**RECOMMENDATIONS:**

Approve the amendment.